

REMARKS

Response to Reissue Applications

Claims 1-77 are rejected as being based upon a defective reissue declaration under 35 U.S.C. §251 failing to contain the statement required under 37 CFR §1.75(a)(1) as to applicant's belief that the original patent is wholly or partly inoperative or invalid. Applicant believes that the Examiner has misread the reissue declaration filed with the present application. Attached hereto is a copy of the reissue declaration with the portions highlighted that refer to the original patent being wholly or partially inoperative or invalid by reason of the patentee claiming more or less than he had a right to claim in the patent.

Response to Double Patenting

Claim 77 is objected to by the Examiner under 37 CFR §1.75 as being a substantial duplicate of claim 36. However, claim 77 was introduced with means language to invoke the provisions of 35 U.S.C. § 112(6) and to negate any inference of invoking the provisions of 35 U.S.C. § 112(6) in the other claims.

Response to Claim Rejections Under 35 U.S.C. §112

Claims 56-58, 69 and 77 are rejected by the Examiner under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 56-58 referred to a jacket which had not been previously recited. Claims 56-58 have been amended to rely upon claim 55 which recites the jacket element.

Method claim 69 was rejected because it depended upon device claim 53. Claim 69 has been amended to depend upon method claim 68.

Claim 77 was rejected because no function was specified by the use of "means".
Claim 77 has been amended to include "means for ablation".

Response to Claim Rejections Under 35 U.S.C. §102

Claims 36, 37, 46-48, 51, 59, 60, 71, 72 and 77 are rejected by the Examiner under 35 U.S.C. §102(e), as being anticipated by Panescu et al. (U.S. Pat. No. 5,769,847). The claims have been amended to include a conductive metal band disposed over and connected to the temperature sensor. This feature is shown in Figures 3 and 5 and discussed in column 5, lines 36-42 and lines 58-67 in the '107 patent. The Panescu reference does not disclose or suggest an electrophysiology catheter having a plurality of electrodes with an outer diameter that is between 1 mm and 1.22 mm. Panescu discloses a device with a temperature sensor connected to a conductive metal band disposed over the sensor.

Response to Claim Rejections Under 35 U.S.C. §103

Claims 38-45, 50, 52, 53, 55, 61-69, 70 and 73-76 are rejected under 35 U.S.C. §103(a) as being unpatentable over Panescu et al. (U.S. Pat. No. 5,769,847). However, as discussed above, the Panescu reference does not disclose or suggest an electrophysiology catheter having a plurality of electrodes with an outer diameter that is between 1 mm and 1.22 mm..

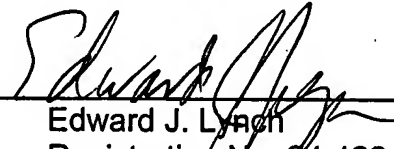
Claims 38, 40-45, 50, 52, 61-67, 70 and 73-76 are rejected under 35 U.S.C. §103(a) as being unpatentable over Panescu et al. (U.S. Pat. No. 5,769,847) in various combinations with Littman et al. (U.S. Pat.No. 5,509,411), Alferness et al. (U.S. Pat. No. 5,531,781) and Nashef et al. (U.S. Pat.No. 5,682,899). However, as discussed above, the Panescu reference does not disclose a conductive metal band disposed over and

connected to the temperature sensor. The secondary references cited by the Examiner fail to disclose this feature. The combination of these references fail to teach or suggest all of the features found in the rejected claims, so these references do not render obvious the claimed invention.

Conclusions

Applicants believe that the presently pending claims define patentable subject matter. Reconsideration and an allowance are earnestly solicited.

Respectfully submitted,

By: 
Edward J. Lynch
Registration No. 24,422
Attorney for Applicants

DUANE MORRIS LLP
One Market, Spear Tower, Ste. 2000
San Francisco, CA 94105
Telephone: (415) 371-2200
Facsimile: (415) 371-2201
Direct Dial: (415) 371-2267